IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 12478 of 2007(I)

PETITIONER:

G.RAMAN NAIR, FORMER PRESIDENT,
TRAVANCORE DEVASWOM BOARD,
RESIDING AT GOPI VILAS, DEVAGIRI P.O.,
KOTTAYAM.

BY ADV. SRI.K.RAMAKUMAR
SRI.RAMPRASAD UNNI T.

RESPONDENTS:
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1. THE HIGH POWER COMMISSION APPOINTED BY
THE GOVERNMENT OF KERALA, REPRESENTED BY ITS
SECRETARY, RAMMOHAN PLACE, ERNAKULAM.

2. STATE OF KERALA REPRESENTED BY
THE CHIEEF SECRETARY,THIRUVANANTHAPURAM.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
POLICE HEADQUARTERS,THIRUVANANTHAPURAM,
(TEAM MEMBER TO ASSIST THE HIGH POWER COMMISSION
HEADED BY HON'BLE JUSTICE SRI.K.S.PARIPOORNAN).

BY SPECIAL GOVERNMENT PLEADER MR.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T. SANKARAN, J.

W.P.(C).NO. 12478 OF 2007

Dated this the 24th day of May, 2007

JUDGMENT

H.L.DATTU, C.J.

The reliefs sought for in this Writ Petition are:

i) To declare that the first respondent commission has no powers to exercise any of the powers of a constitutional court particularly under Article 226 of the Constitution of India and its actions in constituting a team of police officers to conduct investigations, enquiries etc. are totally void, unconstitutional and made in violation of the provisions of the Code of Criminal Procedure.

ii) To call for the records leading upto Ext.P3 and quash the same by the issuance of a Writ of Certiorari or any other appropriate writ, order or direction.

2. At the time of entertaining this Writ Petition, this Court had directed the learned Government Advocate to seek necessary instructions from the respondents.

3. The matter is posted again today for admission.

4. Learned Government Advocate on instructions would submit that pursuant to the notice issued (Ext.P3), the petitioner had appeared before the respondents and his statement is recorded.

5. In view of this development, in our opinion, for the present we need have to consider the first relief of the petitioner.

Accordingly, we dispose of this Writ Petition. Liberty is reserved to the petitioner to approach this Court, if need arise in future. All the contentions of both the parties are left open. Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/